



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

TUESDAY, JANUARY 05, 2010

MINUTES

Mayor	Mahe Maso	Present
Mayor Pro Tem	Jeff Cheney	Present
Deputy Mayor Pro Tem	Bob Allen	Present
Council Member	Pat Fallon	Present
Council Member	Scott Johnson	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

CALL TO ORDER

1. ROLL CALL

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Assistants to the City Manager, Ben Brezina, John Eaglen, and Daniel Ford; Director of Development Services, John Lettelleir; Development Services Dev Coordinator, Scott Ingalls; Director of Engineering Services, Paul Knippel; Director of Finance, Anita Cothran; Director of Library Services, Shelley Holley; Director of Parks & Recreation, Rick Wieland; City Attorney Richard Abernathy and City Secretary, Jenny Page.

CLOSED SESSION

Bob Allen moved to recess into Closed Session at 5:32 p.m. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:
 - A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Update on Cause 296-01766-2008; Black Lab Partnership Fund, Ltd. vs. City of Frisco.
 - ii. Receive legal advice from City Attorney regarding and possible settlement of Case No. 09-0069; City of The Colony, Texas vs. North Texas Municipal Water District and City of Frisco, Texas; In the Texas Supreme Court.
 - B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. South of US 380, North of The Colony city limits, East of FM 423, and West of Hillcrest Road.
 - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Pat Fallon moved to reconvene into Regular Session at 6:50 p.m. David Prince seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso announced there was no action to take in regard to items discussed in Closed Session.

INVOCATION

Council member David Prince led the invocation.

PLEDGE OF ALLEGIANCE

Deputy Mayor Pro Tem Bob Allen led the audience in the United States and the Texas Pledge of Allegiance.

PROCLAMATIONS

Mayor Maso presented Andrew Chen, selected to the USA Boys National Cadet Team for Table Tennis, a proclamation for his efforts and representation of the DFW area. Andrew's Coach, Yen Wang, was also presented a proclamation.

REPORTS

4. Parks and Recreation Monthly Report regarding Park and Trail Development, Facilities, Special Events and Youth Development.

Parks & Recreation Director, Rick Wieland, presented a report on Park & Trail Development, Facilities, Special Events, and Youth Development.

5. Library report on programming and usage activities.

Library Services Director, Shelley Holley presented the Library Report on monthly usage and programming activities.

6. Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

Engineering Services Director, Paul Knippel presented Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

Mayor Maso moved to the Consent Agenda at 7: p.m.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

No one wished to speak. Mayor Maso moved to Item 15.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Jeff Cheney moved to approve the Consent Agenda. Scott Johnson seconded

the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

7. Consider and act upon approval of the Minutes from the December 10, 2009 Joint CVB/City Council Meeting, December 10, 2009 Charter Review Council Work Session, and the December 15, 2009 Regular City Council Meeting. (CSO/JP)
8. Consider and act upon a Resolution to review, approve and adopt the City of Frisco Investment Policy and Investment Strategies (Financial Services/AC) 10-01-01R
9. Consider and act upon adoption of a Resolution ratifying the City Manager's execution of the Takeover Agreement by and between the City of Frisco and SureTec Insurance Company, for the completion of State Highway 289 Utility Relocations (Main Street to US 380) (Engineering/JB) 10-01-02R
10. Consider and act upon the award of cooperative bid#1011-012, annual contract for safety shoes. (Purchasing/TJ)
11. Consider and act upon approval of a purchase order to NEC Corporation of America for the purchase of an Automated Fingerprint Identification System with maintenance agreement. (Police/TJ)
12. Consider and act upon the appointment of Sandra G Yancey to the vacant "At-Large" seat on the Arts of Collin County Commission, Inc. (CSO/JP)

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Bart Crowder moved to pull Item 13 from the Legislative Agenda. Jeff Cheney seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Bart Crowder asked to pull the item for additional discussion with the City Attorney in Closed Session. Mayor Maso suggested the discussion be delayed until Council returns to Closed Session to finish other business. The item will be discussed under Section 551.071 of the Texas Government Code. City Attorney Richard Abernethy agreed that the Closed Session could be delayed until the end of the meeting when Council returned to finish business from the first Closed Session.

13. Consider and act upon adoption of an Ordinance granting a Specific Use Permit for a Church on one lot on 0.5± acre located on the southwest corner of Main Street and Seventh Street. Zoned Original Town Commercial with a Specific Use Permit for a Private Club (S-13) and for a Hotel/Motel (S-29). Neighborhood #20. (Development Services/JE) 10-01-01

REGULAR AGENDA

14. Consider and Act Upon the Approval of an Amendment to the Master Fee Ordinance Adjusting service rates for various fees including water and sewer, sanitation charges, ambulance fees and others. (CMO/NL)

Nell Lange presented proposed rate adjustments and explained the fees in a short presentation.

Mr. Tony Walsh, 12403 Concho Dr., Frisco, Texas wished to voice his opposition but did not wish to speak.

The Council addressed each rate amendment individually and agreed to table the item for further review until the next meeting.

Bart Crowder made a motion to Table the Item until January 19th. Jeff Cheney seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso moved to Citizen Input.

15. Discussion and give direction to staff concerning a proposed additional Early Voting and Election Day location for the May 8, 2010 Election. (CSO/JP)

Jenny Page addressed the Council concerning a proposed additional Early Voting and Election Day location for the May 8, 2010 Election. The location would accommodate Denton County residents within the Frisco corporate limits

and Lewisville ISD, allowing voters to vote in one location rather than several. She offered two options with one being located at Heritage Lakes Community Center that is located within the LISD boundary but would require independent elections and ballots, and the second in the existing voting location at Pioneer Heritage Middle School that would allow all entities to be on the same ballot but require LISD to contract with Collin County.

Citizens who wished to speak in favor:

Brigit Lund, 5536 Southern Hills Drive, Frisco, Texas
Bill Osborn, 8 Horizon Point, Frisco, Texas
Ronald Ruegge, 4589 Biltmoore, Frisco, Texas
Brad R Calley, 4126 Peace Drive, Frisco, Texas
Dudley Wilson, 4162 Peace Drive, Frisco, Texas

Citizens who were in favor but did not wish to speak:

Carolyn Boyle, 4809 Augusta Drive, Frisco, Texas
Robert L. Boyle, 4809 Augusta Drive, Frisco, Texas
Charlie Donner, 4601 Augusta Drive, Frisco, Texas
John Bridgewater, 3 Fairway Drive, Frisco, Texas
Barbara Ramp, One Savannah Drive, Frisco, Texas
Ken Bond, 3529 Nautical Drive, Frisco, Texas
Kevin Gies, 3404 Mayflower Drive, Frisco, Texas
Joe Cotton, 5178 Longvue Drive, Frisco, Texas
Mallika Jujjavarapu, 3452 Continental Drive, Frisco, Texas
Maureen Garguilo, 4637 Shadow Ridge Drive, Frisco, Texas
Susan Schaub, 3156 Hampshire Ct., Frisco, Texas
Laura Calley, 4126 Peace Drive, Frisco, Texas
Phil & Erica Hunt, 4 Champions Ct., Frisco, Texas
Rao Dasari, 3452 Continental Drive, Frisco, Texas
Ray Gargiulo, 4637 Shadow Ridge, Frisco, Texas
Dale Schaub, 3156 Hampshire Ct., Frisco, Texas
Don Ramp, One Savannah Ct., Frisco, Texas
Ed Pete, 4521 Explorer Drive, Frisco, Texas
Nancy Ruegge, 4589 Biltmoore, Frisco, Texas
Judy Osborn, 8 Horizon Pt., Frisco, Texas
Jimmy J. Wilson, 4142 Victory Drive, Frisco, Texas
Maxwell Dodge, 4121 Republic Drive, Frisco, Texas
Carolyn Orbegoso, 7 Canyon Crest Ct., Frisco, Texas
Keith Gyssler, 4889 Longvue Drive, Frisco, Texas
Antonio Orbegoso, 7 Canyon Crest Ct., Frisco, Texas
Fran Wilson, 4162 Peace Drive, Frisco, Texas
Alvin Huerta, 4163 Peace Drive, Frisco, Texas

After discussion, Council directed Mrs. Page to move forward with plans for the Heritage Lakes location and investigate the possibility of moving the Pioneer Heritage location further north.

16. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Development Services. (Development Services)

No appeals.

Jeff Cheney moved to recess into Closed Session at 8:49 p.m. to consider Item 13, Section 551.071, 551.087 and 551.072. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Bart Crowder moved to reconvene into Regular Session at 9:23 p.m. Scott Johnson seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso announced that as a result of Closed Session there was no action to take.

Bart Crowder moved to approve Item 13 with amendments and language that Life-Changing Faith Christian Fellowship Church is not opposed to the sale of alcohol within 300 feet, now or in the future. Scott Johnson seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Bart Crowder moved to recess at 9:25 p.m. to continue with Closed Session. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

David Prince moved to reconvene into Regular Session at 10:26. Bart Crowder seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso announced that as a result of Closed Session there was no action to take.

17. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Board Attendance

Senior Center rates

Exit Survey at FAC

Disabled rates information

Water rates information

Election information

18. Discussion on Governance Monitoring of present City Council Meeting.

Bob Allen gave the Council a satisfactory grade.

ADJOURN

Scott Johnson moved to Adjourn at 10:26 p.m. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

(Please note these are preliminary meeting minutes and are not official until approved by the City Council at the next scheduled meeting. Approved/signed minutes are available at <http://sire.friscotexas.gov/sirepub/docs.aspx> .)

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary